PART IV

Section 2C--(ii)

STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS.

GOVERNMENT OF MYSORE.

LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT, (LABOUR).

Labour Dispute :—Industrial Dispute between the workmen and the Management of.—

(1) Messrs. Lakshmi Textiles, Bangalore-20.

(2) Messrs. Venkateshwara Textiles and Silk Weaving Factory, Bangalore-20.

Award of the Labour Court, Bangalore—published.

Read the following papers :

(1) Letter No. 990/66-67, dated 23rd November 1966, from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 23rd day of November 1966.

Present :

SRI P. T. KADKOL, B.SC., LL.B.,

Presiding Officer.

REFERENCE No. 62 OF 1965.

Between

I Party—

Workmen represented by the General Secretary, Bangalore Reshme Mazdoor Sangh, Subedar Chatram Road, Bangalore.

and

II Party—

The Management of Messrs. Lakshmi Textiles, Bangalore-20.

REFERENCE No. 63 OF 1965.

Between

I Party—
Workmen represented by the General Secretary, Bangalore Reshme Mazdoor Sangh, Subedar Chatram Road, Bangalore.

and

II Party—
The Management of Messrs. Venkateshwara Textiles and Silk Weaving Factory, Bangalore-20.

Reference : Government Order No. PLM 391 *LLD* 65 *dated* 18*th September* 1965.

Government Order No. PLM 391 *LLD* 65, *dated* 17*th September* 1965.

AWARD.

These two Industrial disputes referred to this court for adjudication by the Government of Mysore under Section 10(1) (c) of the Industrial Disputes Act, 1947 have been consolidated and heard together and are disposed of by this common Award.

2. The dispute in Reference No. 62/65 is between the workmen and the management of Sri Lakshmi Textils, Bangalore. It has been referred by the Government under their Order No. PLM 391 LLD 65, dated 18th September 1965. The points of dispute referred for adjudication therein are :—

In the case of Sri Lakshmi Textiles :—

I. 1. (i) Does the closure effected by the Management amount to lockout ? If so, is the lockout justified ?

(ii) If the answer to the issue at item (i) above is in the negative, is the closure effected by the Management *bona-fide* ? Or, is it a subterfuge to defeat the claims of the workers ?

(iii) To what reliefs are the workers entitled to ?

2. Are the workmen justified in having gone on strike from 9th April to 12th April 1965 ?

3. Are the workers of Sri Lakshmi Textiles entitled to the following demands or to any other reliefs :—

(i) The present wages of the employees shall be increased on the following lines :—

(*a*) For plain cloth forty-paise (0-14) per yard shall be paid.

(*b*) Up to 500 healds, for every 100 healds 0-07, after 500 healds for every 100 healds 0-05 shall be paid.

(*c*) When healds are tied up and cloth is woven wages are paid to design weaving shall be paid.

(*d*) All the daily rated employees shall be paid 0-50 more per day.

(*e*) When a blouse piece is woven along with the saree rupee one more shall be paid.

(ii) Rupees Five per day or the average wages, whichever is higher shall be paid to all weavers whenever the usual weaving (weaver's confirmed looms) is not provided due to any reason or reasons and/or whenever the warp ends, whenever the design is changed, whenever pagadi ends, whenever colour (waft) is delayed whenever there is any machine trouble.

(iii) All the employees shall be paid a Dearness Allowance of Rs. 10 per month.

(iv) All the employees shall be paid Bonus for the year 1964 at the rate of 10 per cent of the total wages of the entire year.

(v) The following gratuity scheme shall be introduced for the benefit of the employees :

One month's wages and D.A. shall be paid to all employees for each year of service on retirement or on voluntary resignation, or on termination of service on any grounds."

4. The dispute in Reference No. 63 of 1965 is between the Workmen and the Management of Sri Venkateshwara Textiles and Silk Weaving Factory, Bangalore. It has been referred by the Government under their Order No. PLM 391 LLD 65, dated 17th September 1965. The points of dispute referred for adjudication therein are :—

I. In the case of Sri Venkateshwara Textiles :—

1. (i) Is the Management of Sri Venkateshwara Textiles, Seshadripuram, Bangalore-20, justified in dismissing from service Sjts. Baliah and Nanjundiah ?

(ii) If not, to what reliefs are these two workmen entitled to ?

2. (i) Does the closure effected by the Management amount to lockout ? If so, is the lockout justified ?

(*b*) Up to 500 healds, for every 100 healds 0-07, after 500 healds for every 100 healds 0-05 shall be paid.

(*c*) When healds are tied up and cloth is woven wages are paid to design weaving shall be paid.

(*d*) All the daily rated employees shall be paid 0-50 more per day.

(*e*) When a blouse piece is woven along with the saree rupee one more shall be paid.

(ii) Rupees Five per day or the average wages, whichever is higher shall be paid to all weavers whenever the usual weaving (weaver's confirmed looms) is not provided due to any reason or reasons and/or whenever the warp ends, whenever the design is changed, whenever pagadi ends, whenever colour (waft) is delayed whenever there is any machine trouble.

(iii) All the employees shall be paid a Dearness Allowance of Rs. 10 per month.

(iv) All the employees shall be paid Bonus for the year 1964 at the rate of 10 per cent of the total wages of the entire year.

(v) The following gratuity scheme shall be introduced for the benefit of the employees :

One month's wages and D.A. shall be paid to all employees for each year of service on retirement or on voluntary resignation, or on termination of service on any grounds."

4. The dispute in Reference No. 63 of 1965 is between the Workmen and the Management of Sri Venkateshwara Textiles and Silk Weaving Factory, Bangalore. It has been referred by the Government under their Order No. PLM 391 LLD 65, dated 17th September 1965. The points of dispute referred for adjudication therein are :—

I. In the case of Sri Venkateshwara Textiles :—

1. (i) Is the Management of Sri Venkateshwara Textiles. Seshadripuram, Bangalore-20, justified in dismissing from service Sjts. Baliah and Nanjundiah ?

(ii) If not, to what reliefs are these two workmen entitled to ?

2. (i) Does the closure effected by the Management amount to lockout ? If so, is the lockout justified ?

(ii) If the answer to the issue at item (i) above is in the negative, is the closure effected by the management *bona fide?* Or, is it a subterfuge to defeat the claims of the workers?

(iii) To what reliefs are the workers entitled to?

3. Are the workmen justified in having gone on strike from 9th April to 12th April 1965?

4. Are the workers of Sri Venkateswara Textiles entitled to the following demands, or to any other reliefs:—

(i) The present wages of the employees shall be increased on the following lines:—

(*a*) For plain cloth Forty-Paise (0-40) per yard shall be paid.

(*b*) Up to 500 healds, for every 100 healds 0-07, After 500 healds for every 100 healds 0-05 shall be paid.

(*c*) When healds are tied up and cloth is woven, wages that are paid to design weaving shall be paid.

(*d*) All the daily rated employees shall be paid 0-50 more per day.

(*e*) When a blouse piece is woven along with the saree rupee one more shall be paid.

(ii) Rupees five per day or the average wages whichever is higher shall be paid to all weavers whenever the usual weaving (Weaver's confirmed looms) is not provided due to any reason or reasons and/or whenever the warp ends, whenever the design is changed, whenever pagadi ends whenever colour (weft) is delayed and whenever there is any machine trouble.

(iii) All the employees shall be paid a dearness allowance of Rs. 10 per month.

(iv) All the employees shall be paid Bonus for the year 1964 at the rate of 10 per cent of the total wages of the entire year.

(v) The following gratuity scheme shall be introduced for the benefit of all employees.

One month's wages and D.A. shall be paid to all employees for each year of service on retirement, or voluntary resignation, or termination of service on any grounds."

5. Though the two Industrial Establishments in the two References are different, they are under one and the same Management. The cause of the aggrieved Workmen in both the disputes

has been sponsored by the Bangalore Reshme Mazdoor Sangh, Bangalore, which is a registered Trade Union.

6. In response to the not'ces issued by this Court, parties have put in their statements of claims and objections.

7. It can be seen from the pleadings that these are disputes between parties regarding the termination of the services of some workmen, an alleged lock-out, closure of the Establishments by the Management, a strike by the workmen, demands of higher wages, dearness allowance, Bonus and gratuity.

8. When the matter came up before me on 12th October 1966, the parties have submitted before me a joint memorandum of settlement of all the outstanding disputes in both the references. This joint memorandum has been filed and recorded in Ref. No. 62/65 and marked Ex. A. The terms of settlement have been annexed thereto. On going through them, I am of the view that they are in the best interests of both the parties and conducive to industrial peace between them. Hence I accept them.

9. In the result, I proceed to make an Award as under :—

AWARD.

(1) Both the References Nos. 62 of 1965 and 63 of 1965 are accepted.

(2) A common Award is made in them as per the joint memorandum of settlement marked Ex. A. in terms of settlement annexed thereto which should be appended to this Award and be deemed to be parts thereof.

(3) Parties do bear their own costs.

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

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P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.
23-11-1966

BEFORE THE COURT OF THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Reference Nos. 62 and 63 of 1965

I Party—

Workmen of Lakshmi Textiles and Workmen of Venkateswar Textiles represented by General Secretary, Bangalore, Reshme Mazdoor Sangh, Bangalore.

Vs.

II Party—

The Management of Lakshmi Textiles and The Management of Venkateshwara Textiles, Seshadripuram, Bangalore-20.

Memo filed by the parties.

That the parties to the above dispute submit that they have settled the disputes in terms of the settlement attached herewith in full and final satisfaction of the demands of the employees.

2. That the parties pray that this Hon'ble Court may be pleased to pass an Award in terms of the Settlement.

3. It is agreed that each of the parties to bear their own costs.
Dated at Bangalore on this day of 12th October 1966.

Representing the 1st Party—

(1) (Sd.) Allampalli Venkataram.
(2) (Sd.) S. Krishnaiah.

Representing the 2nd Party—

(1) (Sd.) K. R. Sreenivasalu.
(2) (Sd.) K. Ambaram,
Adv. for 2nd Party.

Filed, Recorded and Marked Ex. A.
Intd. P.T.K.
12th October 1966.

"Copy"

P. T. Kadkol,
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE COURT OF THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

REFERENCE NOS. 62 AND 63 OF 1965.

I Party—

Workmen of Lakshmi Textiles and Workmen of Venkateshwar Textiles represented by General Secretary, Bangalore Reshme Mazdoor Sangh, Bangalore.

II Party—

The Management of Lakshmi Textiles and the Management of Venkateshwar Textiles, Seshadripuram, Bangalore-20.

Terms of Settlement.

1. It is agreed that the 2nd Party shall reinstate 8 (Eight) workmen whose list is annexed hereto and marked Annexure "A" with continuity of service.

2. The Management has agreed to pay Rs. 3,000 in full and final satisfaction of their claims.

3. The said payment shall be made within a week from the date of this settlement.

4. It is agreed that the 2nd Party shall pay 33 paise per yard for plain cloth.

5. Towards the claims of continuous work and change over the 2nd Party has agreed to give work to the workmen continuously and it is further agreed by the management to restrict the number of days of waiting period as follows :—

(i) When the warp ends. or colour weft is delayed or machine is under trouble or repair, or pagadi is delayed, or due to any other reason or reasons (including all that are stated above) ..... not exceeding four days at the maximum.

(ii) For change of design not exceeding 12 days at the maximum.

(iii) During the waiting period mentioned above the workers affected shall be provided with alternative work if available.

(iv) It is further agreed by the Management that in case the waiting period were to exceed the periods mentioned above either owing to the reasons contemplated under clause one or two the management shall pay the affected worker or workers the average pay he or they would have drawn for the whole of the waiting period.

Note.—For purposes of this claim average pay shall be determined by taking into consideration the wages earned by the worker during the preceeding 3 months divided by the number of working days.

(v) The Management agrees to put in warps measuring not less than 120 yards in length at a time.

6. The other demands set out in the order of reference in the above cases and the statement of claims filed by the 1st party be dismissed as not pressed by the 1st Party.

Dated : 12th October 1966.

1st Party—

1. (Sd.) Allampalli Venkataram.

2. (Sd.) S. Krishnaiah.

2nd Party—

1. (Sd.) K. R. Sreenivasalu.

2. (Sd.) K. Ambaram.

Advocate for 2nd party.

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P. T. KADKOL,

Presiding Officer,
Labour Court, Bangalore.

ANNEXURE 'A'.

1. Sri Seenappa (Weaver)
2. „ Ramanjulunaidu „
3. „ Subbramanyam „
4. „ Muniraju
5. „ Subbarayadu „
6. „ V. Nanjundaiah „
7. „ Ramudu (Warping, etc.)
8. „ Rajanna (Spare).

1st Party—

1. (Sd.) Allampalli Venktaram.
2. (Sd.) S. Krishnaiah.

2nd Party—

1 (Sd.) K. R. Sreenivasalu.

2. (Sd.) K. Ambaram.

"Copy"

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore